

1 Henry E. Heater (State Bar #99007)  
2 Donald R. Lincoln (State Bar #41672)  
3 Linda B. Reich (State Bar #87619)  
4 Endeman, Lincoln, Turek & Heater LLP  
5 600 "B" Street, Suite 2400  
6 San Diego, California 92101-4508  
7 (619) 544-0123  
8 Fax (619) 544-9110  
9 John G. Barisone (State Bar #087831)  
10 City Attorney, City of Capitola  
11 Atchison, Barisone, Condotti & Kovacevich  
12 333 Church Street  
13 Santa Cruz, California 95060-3811  
14 (831) 423-8383  
15 Fax (831) 423-9401  
16 Attorneys For Defendant  
17 City of Capitola

18 **IN THE UNITED STATES DISTRICT COURT**

19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 SURF AND SAND, LLC, a                                   } CASE NO. C07 05043  
21 California Limited Liability                           }  
22 Company,   }  
23 Plaintiff,    }  
24 CITY OF CAPITOLA, and DOES 1                           } Judge: Richard Seeborg  
25 through 10, Inclusive                                   }  
26 Defendants.    }  
27    } E-FILING  
28    } DATE: December 19, 2007  
  } TIME: 9:30 a.m.  
  } COURTROOM: 3, 5<sup>th</sup> Floor  
  } ACTION FILED: 10/01/07

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23 **REVISED NOTICE OF MOTION RESCHEDULING THE**  
24 **DATE FOR HEARING OF DEFENDANTS' MOTION TO DISMISS**

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**REVISED NOTICE OF MOTION**

2 To Plaintiff and Its Counsel:

3 Notice is hereby given that Defendants' Motion to Dismiss previously noticed for  
4 hearing on December 12, 2007, has been reset for hearing on December 19, 2007 at  
5 9:30 a.m. in Courtroom 3, 5<sup>th</sup> Floor, of the above Court located at 290 South First Street,  
6 San Jose, California.

7 Respectfully Submitted,

8 Dated: November 9, 2007

Henry E. Heater  
Donald R. Lincoln  
Linda B. Reich  
Endeman, Lincoln, Turek & Heater LLP

9  
10 John G. Barisone  
11 City Attorney, City of Capitola  
12 Atchison, Barisone, Condotti &  
Kovacevich

13 By: Linda B. Reich  
14 Linda B. Reich  
15 Attorneys for Defendant City of  
Capitola

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DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS  
AND SUPPORTING POINTS AND AUTHORITIES

C07 05043 RS